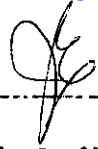


IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

FILED BY  D.C.

05 JUN -3 AM 6:52

PHILLIP E. BOYNTON, et al.,

Plaintiffs,

v.

HEADWATERS, INC., et al.,

Defendants.

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No. 02-1111 M1/An

Robert R. Di Trollo
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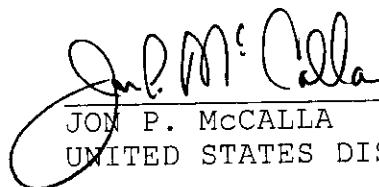
ORDER ADOPTING MAY 9, 2005, REPORT AND RECOMMENDATION

The Court previously referred Plaintiffs' Motion to Compel, filed December 17, 2004, to the Magistrate Judge for Report and Recommendation. The Magistrate Judge submitted a Report and Recommendation on February 16, 2005, which delineated a procedure by which Plaintiffs' motion would be resolved. On March 10, 2005, the Court adopted the Magistrate Judge's February 16, 2005, Report and Recommendation. The parties subsequently complied with the procedure delineated by the Magistrate Judge. On May 9, 2005, the Magistrate Judge filed a supplemental Report and Recommendation granting in part and denying in part Plaintiffs' motion.

No objections to the Magistrate Judge's May 9, 2005, Report and Recommendation were filed.

Upon *de novo* review of the Magistrate Judge's report, the Court agrees that Plaintiffs' motion should be granted in part and denied in part. The Court therefore ADOPTS the Report and Recommendation in its entirety.

So ORDERED this 2 day of June, 2005.



JON P. McCALLA
UNITED STATES DISTRICT JUDGE



Notice of Distribution

This notice confirms a copy of the document docketed as number 358 in case 1:02-CV-01111 was distributed by fax, mail, or direct printing on June 9, 2005 to the parties listed.

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Honorable Jon McCalla
US DISTRICT COURT